

REMARKS

Claims 31 and 44 have been amended. No new matter has been added.
Claims 31-42, 44 and 47 are pending.

Rejections under 35 U.S.C. § 102

Claims 31-36 and 42 were rejected under 35 U.S.C. § 102(b) as anticipated by Ehm et al. (U.S. Pat. No. 3,685,378). The Office Action asserts that the Ehm et al. reference discloses an apparatus including a cutting device having a pocket, a plurality of channels, and a sprocket as recited in Claim 31. The Office Action further asserts that the Ehm et al. reference discloses the specific elements included in dependent claims 32-36 and 42.

The rejection of claims 31-36 and 42 under 35 U.S.C. § 102(b) has been obviated by appropriate amendment. As amended, independent claim 31 recites:

“ . . . a pocket, configured to maintain the log in the pocket without the use of a external structure to hold the log in the pocket . . . ”

Applicants note that, in the rejection of claim 47 over Ehm et al. and Bush, Jr. et al., the Office Action asserts that the Ehm et al. reference discloses a pocket without the use of an external structure. Applicants respectfully disagree with this assertion, as it conflicts with the text of the reference. In fact, the Ehm et al. reference, discloses a pocket *with* an external structure (i.e. clamping devices) to hold the contents in the pocket. Specifically, the Ehm et al. reference discloses that: “[j]uxtaposed with the surfaces **4b** is a movable clamping shoe 5 which, in its pickup position **10**’ is located radially inwardly but is shiftable radially outwardly to lock the work pieces in place.” (Col. 5, lines 33-37; emphasis added). The structure and mechanism of the clamping device is further described in col. 5, lines 38-69. In addition, the paragraph of col. 2, line 61 through col. 3, line 17 describes the clamping devices of the apparatus and refers to this aspect as “an important feature.”

As the Ehm et al. reference discloses only a device having clamps, the reference cannot anticipate or make obvious a pocket configured to maintain the log in the pocket without the use of an external structure to hold the log to the pocket. Hence, claims 31-36 and 42 are not anticipated by the Ehm et al. reference, and Applicants request that this rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Claim 37 was rejected under 35 U.S.C. § 103(a) over Ehm et al. in view of Bush, Jr. et al. (U.S. Pat. No. 3,799,015). The Office Action asserts that Bush, Jr. et al. discloses "a plurality of circular saw blades" and that the combination of Ehm et al. and Bush Jr., et al. would provide the apparatus as claimed.

The rejection of claim 37 has been obviated by appropriate amendment. Claim 37 depends from amended claim 31 and thus includes "a pocket, configured to maintain the log in the pocket without the use of an external structure to hold the log in the pocket." As noted above, the Ehm et al. reference specifically discloses a clamping system "to lock the work pieces in place." Hence, the Ehm et al. reference cannot also teach or suggest a pocket without an external structure to maintain the contents of the pocket. The combination of the Ehm et al. reference with the plurality of circular saw blades of the Bush Jr. et al reference would likewise also include the clamping system. The Ehm et al. and Bush, Jr. et al. references, alone or in combination do not suggest each and every element of the claims. Accordingly, claim 37 is not obvious over Ehm et al. and Bush, Jr. et. al references, and Applicants request that this rejection be withdrawn.

Claims 38-41 and 44 were rejected under 35 U.S.C. § 103(a) over Ehm et al. in view of Bush, Jr. et al. The Office Action asserts that the modification of the dimensions disclosed in claims 38-41 and 44 claims were a "mere change in the size of a component" and thus an obvious design choice.

The rejection of dependent claim 38-41 and 44 has been obviated by appropriate amendment. Claims 38-41 depend from claim 31, which has been amended to recite a pocket configured to maintain the log in the pocket without the use of an external structure to hold the log in the pocket. Claim 44, likewise, has been amended to recite that the pocket "is configured to maintain the log in the pocket without the use of an external structure to hold the log in the pocket." The Ehm et al. and Bush, Jr. et al. references, alone or in combination, do not teach or suggest each and every element of claim 31, particularly with respect to a pocket configured to maintain a log in the pocket without the use of an external structure. Accordingly, Claims 38-41 and 44 are not obvious over Ehm et al. and Bush, Jr. et. al., and Applicants request that this rejection be withdrawn.

Claim 47 was rejected under 35 U.S.C. § 103(a) over Ehm et al. in view of Bush, Jr. et al. The Office Action asserts that Ehm et al. discloses a cutting device including a plurality of pockets "configured to maintain the work piece in the pockets without the use of an external structure." The Office Action further asserts that the Bush, Jr. et al. reference discloses "the use of a plurality of circular saw blades," and that the combination of Ehm et al. and Bush, Jr. et al. reference would provide the apparatus as claimed. The Wheless reference is also mentioned in this rejection, but this appears to be a typographical error.

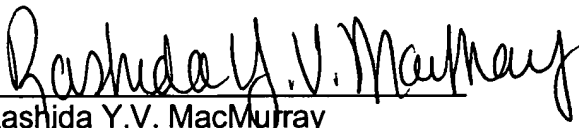
The rejection of claim 47 under 35 U.S.C. § 103(a) over Ehm et al. in view of Bush, Jr. et al. is respectfully traversed, as the applied references, alone or in combination, fail to provide each and every element of the claim. Specifically, the references do not teach or suggest an apparatus containing pockets that are "configured to maintain the rolls in the pockets without the use of an external structure to hold the rolls in the pockets," as recited in claim 47. The disclosure of Ehm et al. with respect to clamping the work piece is set for in the remarks above.

The combination of the Ehm et al. reference with the plurality of saw blades of the Bush Jr. et al. reference would likewise include the clamping system. The combination of the Ehm et al. and Bush, Jr. et al. references do not teach or suggest each and every element of claim 47. Accordingly, a *prima facie* case of obviousness has not yet been presented, and Applicants respectfully request that the Examiner withdraw this rejection.

CONCLUSION

In conclusion, all of the grounds raised in the outstanding Office Action for rejecting the application are believed to be overcome or rendered moot based on the amendments and remarks above. Thus, Applicants respectfully submit that all of the presently presented claims are in form for allowance, and such action is requested in due course. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,


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